

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CRIMINAL NO. 3:08-855-CMC
)	
v.)	OPINION and ORDER
)	
Christopher Ryan Hayes,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant’s motion for appointment of counsel. ECF No. 373. Defendant argues that he seeks the appointment of counsel to assist him in filing a “second 2255 [motion] based on new evidence.” Mot. at 1.

Attorneys may be appointed for a person “seeking relief under section 2241, 2254, or 2255 of title 28” when “the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). Before Defendant can file a “second 2255” in this court, he must seek permission from the Fourth Circuit Court of Appeals to do so. As provided in 28 U.S.C. § 2244, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). *See also* Rule 9 of the Rules Governing 2255 Proceedings (“Before presenting a second or successive motion, the moving party must obtain an order from the appropriate court of appeals authorizing the district court to consider the motion”). It does not appear that Defendant has sought this permission. For this reason and because the interests of justice do not require an appointment, Defendant’s motion is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
November 3, 2014